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Philip Pell:
Revolutionary War Leader, Last member of the Continental Congress

Phillip Pell, who is buried in the historic cemetery at St. Paul's Church National Historic Site, contributed to the success of American independence through commendable military and governmental service, but he ultimately opposed the Revolution's greatest enduring achievement -- a supreme Federal Government.

Pell's heritage reflects one of the strengths of the Revolution -- support for the Patriot cause among wealthy families, and the able assistance of their sons as military officers and civilian officials. He was born into the local gentry on July 7, 1753 in Pelham, New York, a descendant of the Pells who settled the town about 20 miles north of New York City (then New Amsterdam) in the 17th century. Following the confusing (to modern standards) tendency to re-cycle first names, he was the third family member to have that name (his father and grandfather before him), and is sometimes referenced as Phillip Pell, Jr. or Phillip Pell III.

Scion of a prominent family, Phillip was schooled for leadership. He attended King's College (now Columbia University in New York City), graduating in 1770 before studying law and gaining admission to the New York bar on the eve of the Revolution. At another time, he would likely have commenced his activities as a country squire in Westchester County; but his passage into adulthood overlapped with the American Revolution, which emerged as the central development of Pell's life.

Pell is listed as a lieutenant in the county militia at the onset of the war in 1776. Officer positions in these local military units were usually assigned to men of the foremost families. The young lawyer may have experienced combat in the New York campaign, since Westchester was the scene of major battles in October; but this is not a man who helped gain independence on the battlefield. That was his younger brother Samuel T. Pell's role. Rather, Phillip's contributed to the creation of the republic through the often overlapping spheres of military and government administration, implemented in some of the war's most difficult circumstances.

In 1777, he was appointed deputy Judge Advocate for the Continental army, a position that almost certainly introduced him to General Washington. Drawing from his training, he offered legal advice to senior officers, guided interpretations of army regulations and the code of conduct, and prosecuted trials before courts-martial or other tribunals. At this time, he probably befriended the Marquis de Lafayette, the young French nobleman who served as a General in the Continental army.

Returning to New York, Pell attained election to the state legislature in 1778, where he served for three years from the capital in Poughkeepsie, Dutchess County. In this capacity, he embraced as a political mentor New York Governor George Clinton, a partnership that would endure throughout his public life. Pell shared the immense challenges of governing a new state suffering the ravages of a combat zone, territorially divided between British and American control, ensnared in a civil war among Patriots and Loyalists. As a competent public official with legal background, Pell handled difficult communication, administrative and political assignments.

One of these was commissary of prisoners in New York, responsible for exchanging captured militia troops for enemy soldiers. This was a daunting task, since the militia was under siege in Westchester attempting to prevent raids by British and Loyalist units from bases around the King's Bridge on the Harlem River. These attacks, designed to collect supplies and demonstrate the vulnerability of civilian life in the lethal "neutral ground," led to skirmishes with local militia units, producing many prisoners of war. In 1780, a low point for American fortunes in Westchester County, the dominant King's troops imprisoned more militia than the Americans seized Redcoat captives. Because of this imbalance, the British refused to agree to exchanges. Patriot soldiers could be confined on the notorious prison ships in the East River on which horrific conditions led to thousands of American deaths.

In frustration, Assemblyman Pell reported to Governor Clinton that "above thirty of the most valuable militia of this County are now prisoners with the Enemy, and two of them have lately died in confinement, yet it is not in my power to relieve them as I have not a sufficient number of the Enemy; and the few under my direction have been a long while proposed in exchange, but the Enemy discover a backwardness, seemingly for the sake of murdering ours by inches; I shall give all possible attention to this business and endeavor to relieve our people from their captivity as speedily as shall be in my power."

Pell's service in the neutral ground reveals the overwhelming circumstances encountered by earnest leaders seeking to protect life and property and help secure independence. A report in late 1780, documenting the scope of the assemblyman's involvement and his observations on the condition of war, is worth quoting at length:

> I was in Westchester County last Saturday and found that there were no Troops there but a few Continentals at Pines Bridge, which can afford protection only to Crompond; the rest of the County altogether open to the ravages of DeLancey's (a leader of Loyalist troops) thieves who faithfully improved their opportunity and last Monday night (18th) came up to North Castle and took up Major Lyon, Capt Gilb(er)t Lyon and Esqr. Peter Lyon the principal Supporters of that part of the Country, besides several others; this I had from a man who came from Bedford yesterday and was on his way up Country to look for a place to move to. North Castle is now broke up, Bedford the next place was some time ago burnt, and Salem the upper part of the County is now the frontier, and it is in the power of DeLancy to destroy that place when he pleases. The People of Westchester County

think themselves given up to ruin, are discouraged, and worn out, and believe they shall receive no further help; the Enemy drawing large supplies from Connecticut and other places by means of that part of the Country being left open. I cou(l)d wish you to communicate this situation of the Country to his Excellency the Governor; for verily I believe that unless something is done, Westchester County, in less than a month, will be totally in the Enemy's power; their exposed situation occasions those who were once good men to become corrupt by trading with the Enemy, and this I am afraid gains ground fast; besides the constant taking away of them lessens the number of fighting men.

Philip Pell joined General Washington on the triumphal entry into New York City, Nov. 25, 1783.

There is a confusing place in Pell's resume following 1781. Many biographical sketches list him serving as Judge Advocate General of the Army, but the official history of that office doesn't mention him. It records two other lawyers -- James Innes and Richard Howell -- who were appointed, but declined the position. It seems that Pell, who served on General Washington's staff from 1781 to 1783 with the rank of Colonel, functioned in the capacity of Judge Advocate General of the Army while never obtaining official appointment by the Continental Congress. His legal background and prior tenure as Deputy Advocate General prepared him for the responsibilities of the position. In October 1782, the selection of Lieutenant Thomas Edward of Massachusetts to the post ended Pell's term as acting Judge Advocate General.

Pell's place on Washington's staff facilitated participation in one of the most dramatic moments of the American Revolution -- the triumphant march down Broadway into New York City, November 25, 1783. This parade into lower Manhattan signaled the departure of the last British troops and the control of the city by the new government. It must have been an exhilarating moment for a man who served throughout the seven year ordeal, witnessing the Revolution's more desperate scenes.

He returned to Pelham, enjoying some of the fruits of independence which he helped to achieve. Building a legal practice, he established the role of a respectable gentleman, building a family with his second wife Ann Lewis and his young son, another Philip, born in 1780 to Pell and his first wife Mary Ward, who died in 1781. His large estate in Pelham was maintained by several enslaved Africans, at a time when many wealthy Westchester families owned slaves. Like other leaders of the Revolution, Pell drew a distinction between helping to achieve American independence and arranging for the immediate freedom of men and women who helped to manage his properties. The 1790 census records three

enslaved people owned by Pell, and in 1800 there were nine slaves on his lands. By 1810, however, the lawyer did not own slaves, perhaps reflecting his eventual understanding that slavery was inconsistent with the beliefs of the Revolution. Granting freedom at that time also corresponds with a pattern of manumission by other New York slave owners, since the state had passed a gradual emancipation law in 1799 which established procedures for the ultimate end of bondage.

The former colonel's prestige naturally led to leadership of the St. Paul's parish, preserved today through a plaque inscribed with him name on a large pew in the restored interior arrangement of the original church. Locally active, he was chosen as the County Surrogate in 1787, ruling on wills and other inheritance matters through 1796. His prominence and credentials were sufficient to gain appointment as one of the first Regents of the University of the State of New York in the 1780s.

Philip Pell's pew, center, in the restored 18th century St. Paul's Church.

Remaining an ally of Governor Clinton, the veteran returned for another term to the State Legislature in the mid and late 1780s, and here his views diverged from the historical trajectory of the Revolution. Through the influence of his mentor and his own principles, Pell opposed the campaign to establish a stronger central government, a struggle which dominated New York politics. Evidence to particularize his rationale for this position is elusive, and the Pelham resident may have believed that liberty was local, and consolidation was tyranny. Thousands of people in New York and other states upheld this concept as a cornerstone of the Revolution. Pell's viewpoint is somewhat unusual for a wealthy, former Continental Army official, since most officers and Washington aides, who experienced the myriad of problems resulting from the weak Confederation government, maintained the nationalist perspective. But a considerable level of Pell's Revolutionary War service transpired in New York, attracting his allegiance, and he supported strong local institutions as an effective safeguard against an overreaching central authority.

Pell campaigned as an Anti-Federalist delegate to the New York ratifying convention held in Poughkeepsie in July 1788. A surviving election broadside produced by his opponents, and available on the Library of Congress website, claims his supporters were involved in a duplicitous scheme to deceive voters about his intentions. Regardless, the St. Paul's parishioner was defeated, with lower Westchester selecting a Federalist candidate who favored the Constitution, an indication that Pell was falling behind the curve of history. Under Governor Clinton's direction, Anti-Federalists won the majority of seats to the special

assembly. Yet, the establishment of the new government through approval of the Constitution by a sufficient number of states compelled New York to pass ratification.

The sanctioning of the more powerful Federal Government created the circumstances for Pell's final sober moment on the broad stage of American history. The Clinton party maintained control of the State Legislature, selecting New York's representatives in the Continental Congress, the national government until the new system was implemented. Pell was chosen to serve in the Congress in 1788-9, the last session. The strong opponent of the new Constitution accepted appointment to a body which had devolved into an anachronism. As a Westchester resident, he was close to the capital in lower Manhattan, joining the last session to achieve a quorum, on October 10, 1788. More dramatically, the recalcitrant anti-Federalist was the only member to attend the concluding meeting at Fraunces Tavern on March 2, 1789. Looking over an empty room, he adjourned *sine die* (never to meet again) the government that had secured independence and successfully prosecuted the war against Great Britain.

Meeting room, Fraunces Tavern, in New York, where Pell adjourned the final session of the Continental Congress.

Pell largely withdrew from public life after that experience, although he remained associated with the Clinton forces, which developed into the new Republican, or Jeffersonian, party in New York. This connection actually led to his removal from his Surrogate post in the 1797 when the Federalists led by John Jay won the state elections and dismissed opponents from such public trusts as judicial seats. Pell appealed for reinstatement when Clinton returned to the governorship in 1801.

He died May 1, 1811, at age 57, followed by interment in the St. Paul's cemetery, near his brother and father, who had also served the cause of independence. In a fitting postscript to his Revolutionary odyssey, Pell's wartime friend the Marquis de Lafayette paid his respects at the marble stone behind St. Paul's as part of an 1824 commemorative tour of American Revolution sites.